

## Chapter Trans 116

### WAIVER OF COMMERCIAL DRIVER LICENSE SKILLS TEST

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**Trans 116.01 Purpose and scope.** (1) The purpose of this chapter is to establish the department's administrative interpretation of s. 343.03 (8) (b), Stats., in relation to the issuance of commercial motor vehicle driver licenses to persons who are eligible for a waiver of the CDL skills test.

(2) This chapter applies to any person applying for a CDL.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 116.02 Definitions.** The words and phrases defined or used in ss. 340.01, 343.01 and 343.17, Stats., have the same meaning in this chapter unless a different definition is specifically provided in this chapter. In addition, in this chapter:

(1) "Application date" means the commercial driver license issuance date.

(2) "CDL" means commercial driver license.

(3) "Commercial driver license skills test" means the test of a person's ability to drive a CMV by performing the pre-trip, basic control and road test maneuvers required by ch. Trans 104.

(4) "CMV" means commercial motor vehicle.

(5) "Self-certification" means completion of Wisconsin certification for waiver of CDL skills test form.

(6) "Violated" means a conviction of a law of this state, or a local ordinance in conformity with, or any law of another jurisdiction relating to motor vehicle traffic control.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 116.03 Waiver eligibility.** (1) A person applying for a CDL is eligible for a waiver of the CDL skills test beginning January 1, 1991, and ending on March 31, 1992, if the person meets all of the following:

(a) Had a valid operating privilege during the entire 2 years immediately preceding the application date.

(b) Provides self-certification of regular employment in a job requiring operation of a CMV.

(c) Has either operated a representative vehicle for which the person is seeking a CDL for at least 2 years preceding the application date or has taken and passed a driving skills test administered in a representative vehicle by a state with a classified licensing and testing system.

(2) Each person who applies for a waiver shall certify as provided in s. 343.03 (8) (c), Stats., as created by 1989 Wis. Act 105 that in the 2 years prior to the application date he or she has not:

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(a) Held more than one operator's license at a time, except that a school bus or chauffeur license issued under s. 343.12 or 343.125, 1987 Stats., shall be counted with a regular license issued by the department as a single license.

(b) Had any license or operating privilege revoked, suspended or cancelled.

(c) Been found at fault in any motor vehicle accident.

(d) Violated and been convicted of any of the following, as provided in s. 343.315, Stats., as created by 1989 Wis. Act 105, in a motor vehicle in this or any other jurisdiction:

1. Operating under the influence of an intoxicant, controlled substance, or other drug or combination thereof.

2. Operating a CMV with an alcohol concentration of .04 or more.

3. Operating a CMV with any measurable alcohol concentration.

4. Leaving the scene of, or failing to report, an accident.

5. Using a motor vehicle in the commission of a felony.

6. Refusing to submit to chemical testing.

7. Causing or inflicting injury, great bodily harm or death through use of a motor vehicle while under the influence of an intoxicant, controlled substance or any other drug.

8. Exceeding speed limit by 15 or miles per hour.

9. Reckless or careless driving.

10. Following too closely, improper lane or erratic lane changes or improper passing.

11. Having violated a traffic control law other than a parking violation in connection with any traffic accident.

(3) A Wisconsin school bus operator who has completed the Wisconsin school bus operators driving skills test meets the requirements of sub. (1) (c) for "classes B and C" only, as set forth in s. 343.04, Stats., as created by 1989 Wis. Act 105.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 116.04 Self-certification and proof.** Each person who applies for a waiver shall complete an application for an operator's license and self-certification.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 116.05 Falsifying information.** The department shall cancel the CDL of a person who falsifies any information required for purposes of s. Trans 116.03 including self-certification.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.

**Trans 116.06 Rule expiration.** This rule will expire at 12:01 AM, April 1, 1992.

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Note: This rule requires revised form MV3001 (application for operator's license) and new form MV3545 (commercial driver license skills test waiver). A sample copy of these forms may be obtained, free of charge, from the Wisconsin Department of Transportation, Bureau of Driver Services, P.O. Box 7917, Madison, WI 53707-7917.

History: Cr. Register, December, 1990, No. 420, eff. 1-1-91.